



US Army Corps  
of Engineers®

# Public Notice

Public Notice No. 06-143

Date: January 5, 2007

Nashville District

Application No. 2003-00272

Expires: February 5, 2007

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Please address all comments to: Nashville District  
Corps of Engineers, Regulatory Branch (Attn: Eric  
Sinclair), 3701 Bell Road, Nashville, TN 37214

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## JOINT PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS  
TENNESSEE VALLEY AUTHORITY

**SUBJECT:** Proposed Deposit of Fill Material Associated with Road Construction(Culverts, Channel Relocation and Wetland Fill) on Multiple Streams and Wetlands Adjacent to an Unnamed Tributary of Byrd Creek, Cumberland County, TN (TDOT Project No. 18006-1209-04 Widening State Route (SR) 28(US-127))

**TO ALL CONCERNED:** The project described below has been submitted for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (CWA) and Tennessee Valley Authority (TVA) approval pursuant to Section 26a of the TVA Act. Before federal permits can be issued, certification must be provided by the state of Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated.

**APPLICANT:** Tennessee Department of Transportation (TDOT)  
Suite 900, James K. Polk Bldg  
Nashville, TN 37243-0334

**LOCATION:** Byrd Creek Mile 6.4, including an unnamed tributary and adjacent wetlands, Threemile Creek, Onemile Creek and an unnamed tributary in Cumberland County, TN. Tributaries of the Obed River Mile 9.1, Right Bank. USGS Quads - Crossville and Dorton, TN; lat: 35.9116, long: 84.9915.

**DESCRIPTION:** The applicant proposes to widen 4.6 miles of existing two-lane SR 28 along its present location(from SR 68 to Hayes Street in Crossville). To widen the roadway along the existing corridor, two culverts would be replaced, two culverts would be lengthened, one channel relocated, two associated wetlands filled and one isolated wetland filled. The construction would consist of four 12' travel lanes, one 12' two-way turn lane and two 10' shoulders with areas of curb and gutter.

**Individual DA Permit:** Locations described below & impact details

- **Channel Relocation** (I404 #1 Exhibits B-D)
- **Sta. 17+115 to Sta. 17+225** Unnamed tributary to Byrd Creek  
Existing open stream length = 449 linear feet.  
Proposed open stream length = 374 linear feet.

**Mitigation** for loss of 75 linear feet of stream would be payment of \$15,000 to the In-Lieu Fee Stream Mitigation Program. As part of on-site replacement in-kind for the remainder of the proposed stream, two alternating rows of trees on 10' centers on both sides of the channel relocation would be planted. The stream would be lined with natural stone as in the existing stream.

- **Wetland Fill** (I404 #1 Exhibits B & C)
- **Sta. 17+160** Permanent wetland impact #1 = 0.03 acre
- **Sta. 17+200** Permanent wetland impact #2 = 0.046 acre  
Total permanent impact = 0.076 acre
- **New Culvert Construction** (GARAP #1 Exhibits B & D)
- **Sta. 17+248.51** Existing 197' culvert at Byrd Creek  
Proposed 2@ 4.88m x 4.57m 197'slab culvert

**Nationwide Permits:** The applicant has requested that the Corps of Engineers verify that project activities such as culvert replacements and extensions as well as temporary stream crossings at each of the following sites, occurring at other work locations meet the criteria for authorization under the Nationwide Permit (NWP) Program [January 15, 2002, Federal Register (67 FR 2020)].

- **New Culvert Construction** (IARAP #1 Exhibit E)
- **Sta. 17+887.60** Existing 220' culvert at Threemile Creek  
Proposed 3.66m x 3.66 200' slab culvert

**Mitigation** for 220 linear feet of stream loss would be payment of \$44,000 to the In-Lieu Fee Stream Mitigation Program.

- **Isolated Wetland Fill** (GARAP #2)
- **Sta. 19+588 to 19+655** Permanent impact = 0.027 acre  
Temporary impact = 0.061 acre
- **Culvert Extension** (GARAP #3)
- **Sta. 20+454.798** Existing 108' culvert at Onemile Creek  
Proposed 30' culvert extension
- **Culvert Extension** (IARAP #2 Exhibit F)
- **Sta. 21+258.441** Proposed 59' culvert extension and 23' rip-rap at outlet at Unnamed Tributary of Onemile Creek

**Contaminated Sediments** TDOT has submitted a Handling Plan for Contaminated Sediments.

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The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by Administrator Environmental Protection Agency under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines it to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, and general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and determine the overall public interest of the proposed activity.

An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

**Endangered Species.** By letters to TDOT dated October 2, 2002 and September 26, 1996, the US Fish and Wildlife Service concluded that no federally listed or proposed endangered or threatened species occur within the project impact area. Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species

Act, and, therefore, initiation of formal consultation procedures with the USFWS is not planned at this time.

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**Cultural Resources.** By letter to TDOT dated July 13, 2006, the Tennessee Historical Commission (THC) stated that the project area contains the Cumberland Homesteads Historic District that is eligible for listing in the National Register of Historic Places. THC further concurs with TDOT's determination of project adverse impact on the Cumberland Homesteads Historic District. The Area of Potential Effects (APE) for the proposed project would be the entire length of the project. USACE will comply with its obligations under Section 106. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

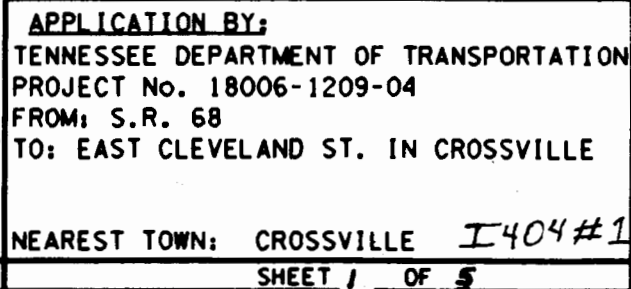
In addition to the DA and TVA permits and state water quality certification, other federal, state, and/or local approvals may be required for the proposed work.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before February 5, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Eric Sinclair, at the above address, or telephone (615) 369-7511.

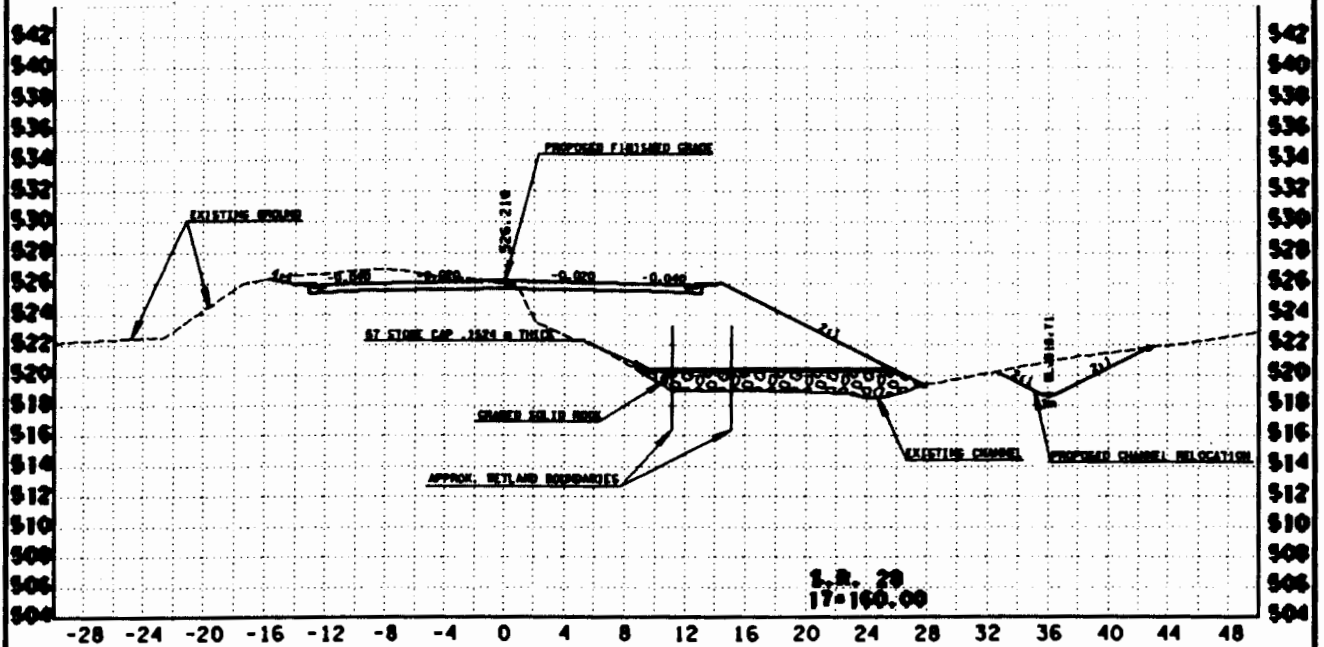
It is not necessary to comment separately to TVA or to the state since copies of all comments will be sent to them and will become part of their record on the proposal. Point of contact with TDEC is Daniel C. Eagar, (615) 532-0625. Point of contact at TVA is Gary Chappelle, telephone (865) 632-1322.

If you received this notice by mail and wish to view all of the Exhibits, please visit our web site at:  
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Sinclair at telephone (615) 369-7511 or at the address above.

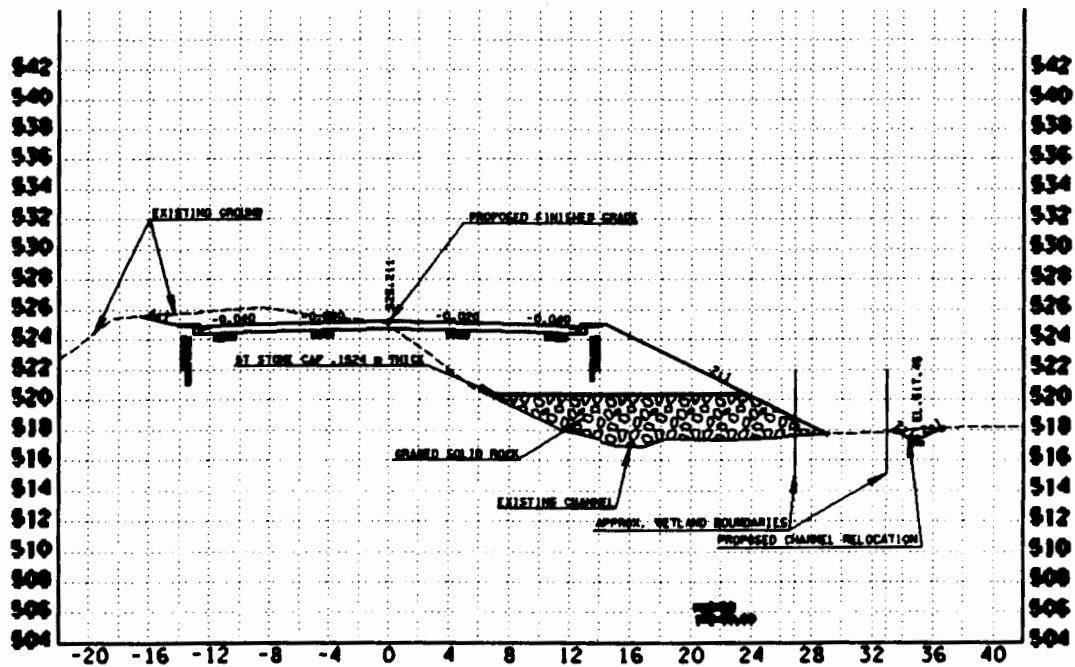




Permit Sketch



SECTION A-A



SECTION B-B

PLAN

PROPOSED STREAM RELOCATION X-SEC

DETAIL 1

PROP. STREAM RELOCATION AND WETLANDS SR 28  
STA. 17+100 TO STA. 17+220

DATE: 09/02/06

REVISED: / /

APPLICATION BY:

TENNESSEE DEPARTMENT OF TRANSPORTATION  
PROJECT No. 18006-1209-04

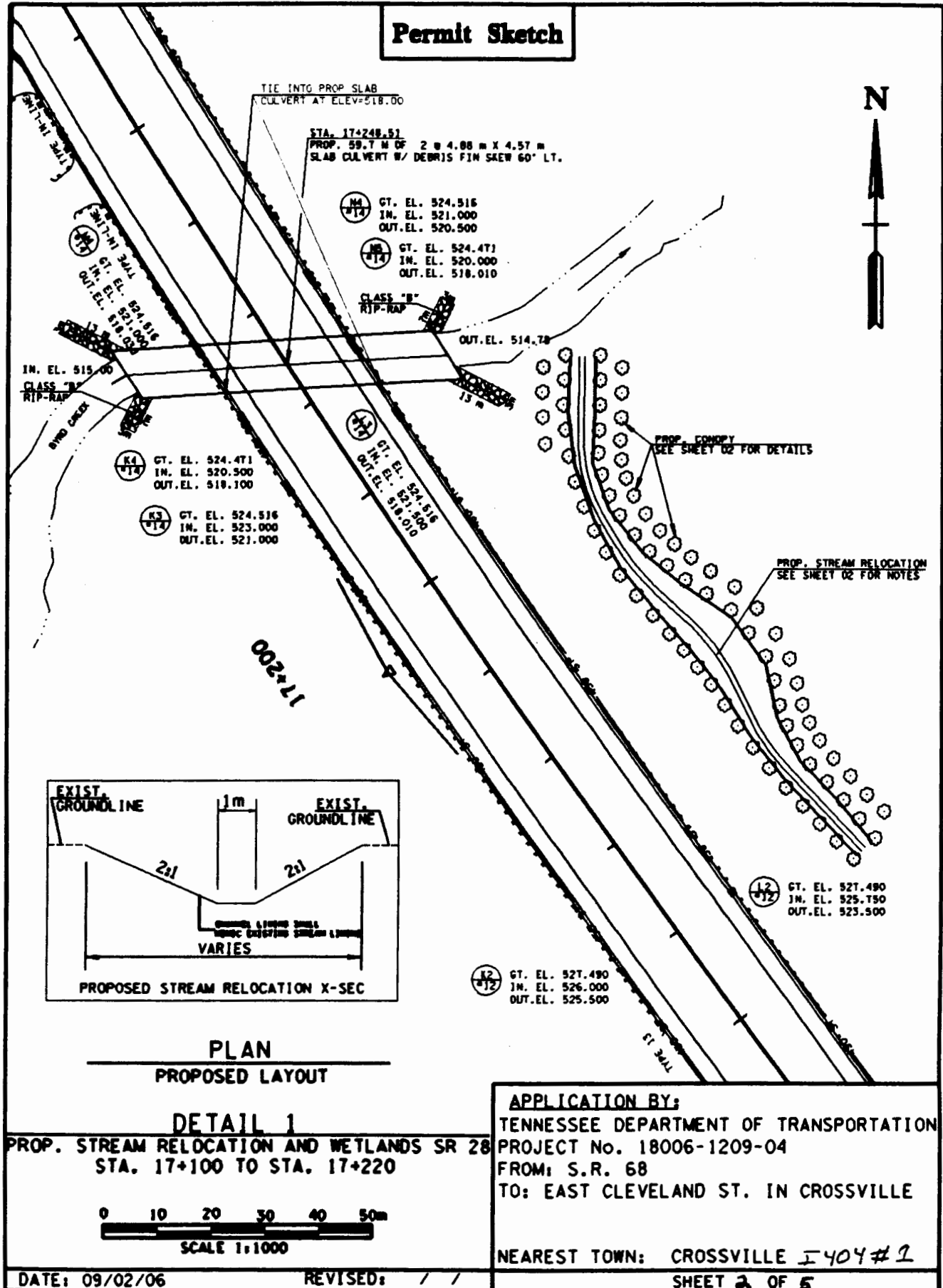
FROM: S.R. 68

TO: EAST CLEVELAND ST. IN CROSSVILLE

NEAREST TOWN: CROSSVILLE I404 #1

SHEET 4 OF 5

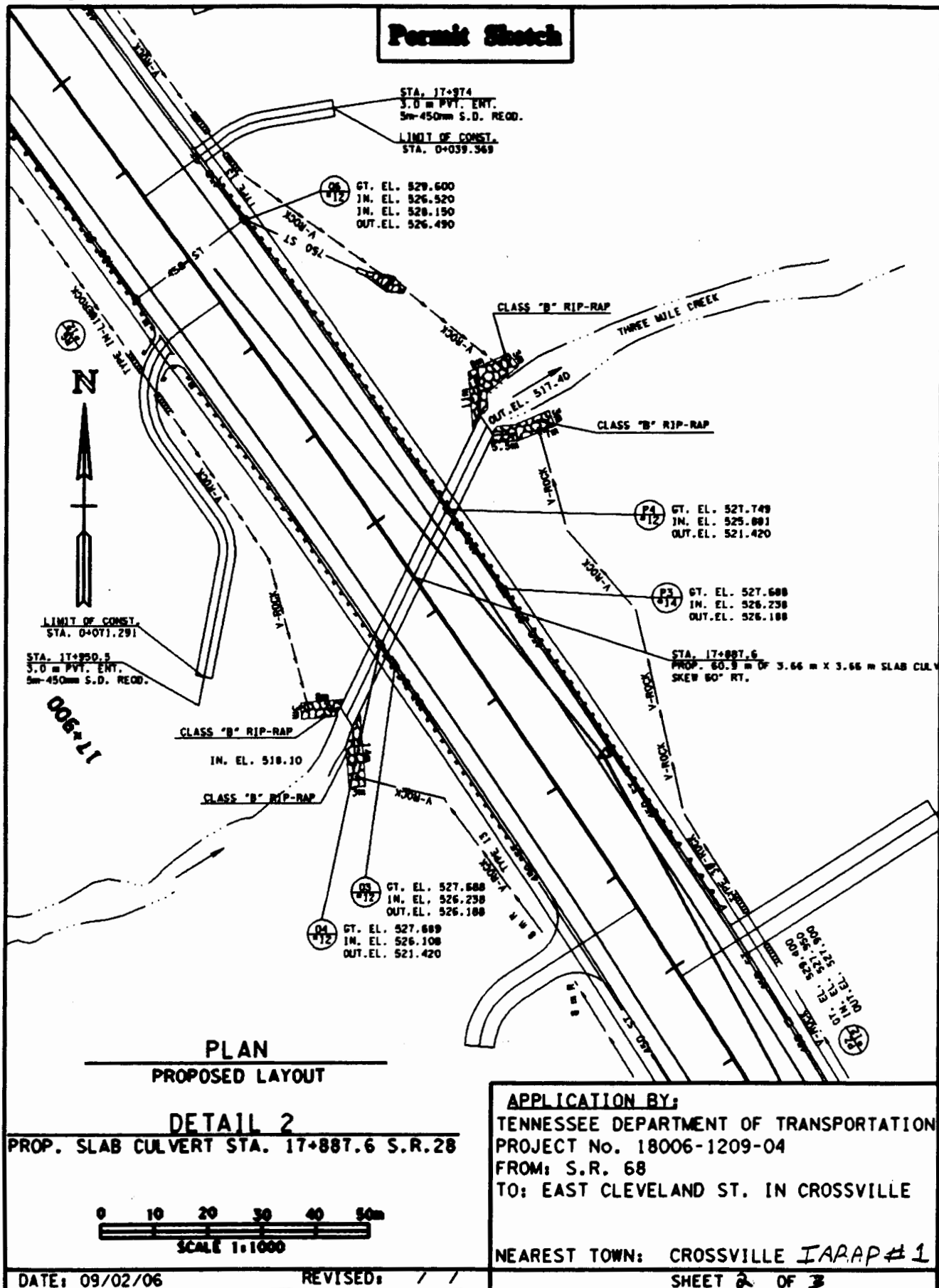
## Permit Sketch





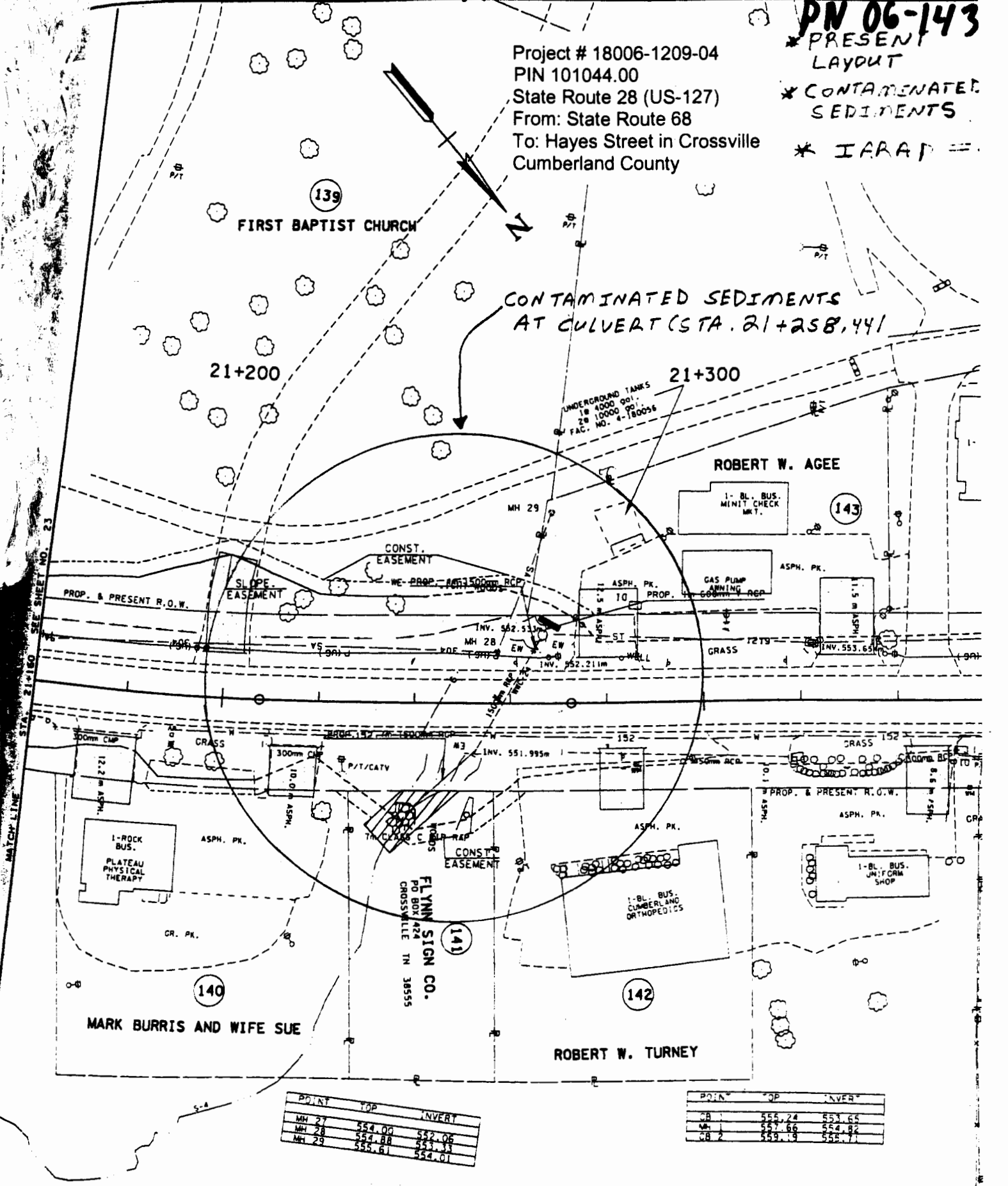
# EXHIBIT E

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Project # 18006-1209-04  
 PIN 101044.00  
 State Route 28 (US-127)  
 From: State Route 68  
 To: Hayes Street in Crossville  
 Cumberland County

- \* PRESENT LAYOUT
- \* CONTAMINATED SEDIMENTS
- \* IARAP



| POINT | TOP    | INVERT |
|-------|--------|--------|
| MH 27 | 554.00 | 552.06 |
| MH 28 | 554.88 | 551.33 |
| MH 29 | 555.61 | 554.01 |

| POINT | TOP    | INVERT |
|-------|--------|--------|
| CB 1  | 555.24 | 551.65 |
| CB 2  | 557.66 | 554.82 |
| CB 3  | 559.19 | 552.71 |

NOTE: GAS LINES HAVE 0.75' OF COVER  
 NOTE: WATER LINES HAVE 0.75' OF COVER  
 NOTE: POWER LINES HAVE 0.75' OF COVER